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** NOT FOR SERVICE OF PROCESS*

October 30, 2018

Honorable Arthur D. Spatt, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Arciello et al. v. County of Nassau, et al. Docket No.: 16-cv-3974 (ADS)(SIL)

Dear Judge Spatt:

Pursuant to Your Honor's October 23, 2018 order granting the Defendants a second extension of time to file their response to the Plaintiffs' class action motion, the Defendants' papers were to be filed on or before 10/29/2018 [DE 216]. Pursuant to Your Honor's individual rules, all documents in civil cases including motions, letters and stipulations are to be filed via ECF. (1)(A.) Your Honor's rules further state that any papers which are submitted to the Court in violation of Your rules "will not be docketed and will be returned to sender or disregarded." (2)(E.)

In the present matter, the Defendants have not yet filed on ECF a response to the Plaintiffs' class action motion, despite yesterday's deadline, instead seemingly scrambling to meet this Court's deadline by e-mailing a copy of their papers to Plaintiffs' counsel at approximately midnight this morning without filing the same via ECF. While the Defendants' counsel claimed that ECF was down, preventing their filing within the deadline late last night, a review of the docket shows that they were able to file a Notice of Appearance around 10:30 p.m. for Ms. Andors. As the Defendants have failed to timely file their response in accordance with the dictates of this Court and Your Honor's individual rules, despite receiving two separate extensions of time, we ask that any effort made by the Defendants to file a response now that the deadline has passed be disregarded by this Court in accordance with Your Honor's individual rules and that the Plaintiffs' Motion for Class Certification be granted as unopposed.





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We thank you for your time and consideration with respect to this matter. Should you have any further questions, please feel free to contact the undersigned.

Very truly yours,

Louis D. Stober, Jr.

Louis D. Stober, Jr., Esq. (LS-9318)